

REMARKS

Claims 11-20 are all the claims pending in the application. Claims 18 and 19 are withdrawn from consideration as being drawn to a non-elected invention. By way of this Amendment, Applicant cancels claims 11-17 and 20, and adds claims 21, 22 and 23, which are clearly supported throughout the specification *e.g.*, page 16 of the specification.

I. Summary of the Office Action

The Examiner withdrew the previous grounds for a rejection. The Examiner, however, found new grounds for rejecting the claims. Specifically, claims 11, 12, 14, 15, and 20 are rejected under 35 U.S.C. § 101, claims 11, 13, 14, 16, 17, and 20 are rejected under 35 U.S.C. § 102(b), and claims 12 and 15 are rejected under 35 U.S.C. § 103(a).

II. Claim Rejections under 35 U.S.C. § 101

Claims 11, 12, 14, 15, and 20 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant respectfully submits that claims 11, 12, 14, 15, and 20 have been canceled. Therefore, this rejection is rendered moot.

New claims 21-23 are directed to statutory matter: a computer-readable medium, a computer, and a method. Accordingly, it is appropriate and necessary for the Examiner to withdraw this rejection.

III. Prior Art Rejections

Claims 11, 13, 14, 16, 17, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,740,335 to Takayanagi et al. (hereinafter “Takayanagi”) and claims 12 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takayanagi in

view of U.S. Patent No. 6,359,696 to Hori et al. (hereinafter “Hori”). Applicant respectfully traverses these grounds of rejection in view of the following comments.

Claims 11-17 and 20 have been canceled. Therefore, these rejections are rendered moot with respect to these claims.

With respect to the newly added claims 21, 22, and 23, *inter alia* and in some variation these claims recite reading the command file when a detection is made that the command file specified by the spool file has been updated and stopping output of the print data from the printer if the cancel command is added in the command file.

In an exemplary, non-limiting embodiment, the system processes commands during printing. More specifically, in order to promptly process a print canceling command or the like given during processing of the print data, the control command is to be recorded in a print controlling command file which is different from a subfile which stores print data. The print processor monitors the print controlling command file. When the print processor detects *e.g.*, by an increase in file size of the print controlling command file, that the print controlling command file has been updated, the processor reads the print controlling command file. Furthermore, when a print cancellation instruction is added to the print control command file as a result of the reading, transfer of packets to the printer is stopped and a page ending command and a job ending command is transmitted to the printer to end the printing. It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

The Examiner contends that Takayanagi in col. 4, lines 3 to 33 and Fig. 8 discloses determining whether the command file has been updated. Specifically, the Examiner contends that the print data anticipates the subfile set forth in the independent claims and that the attribute data anticipates the command file (*see* page 4 of the Office Action). Applicant respectfully disagrees.

Takayanagi disclose a method for transmitting print data from a computer to a print control device for controlling a printer, where a desired one of attribute data sets which accompany respective image data sets is replaceable by a new image data set in a data transmission mode of the computer, and the attribute data set accompanying the original image data set replaced by the new image data set is suitably changed according to the new image data set (*see* Abstract). Specifically, Takayanagi discloses having print data and attribute data that includes image resolution, size, and format. Takayanagi further discloses having attribute changing means which may change the attributes of the original print data based on the attribute data (Fig. 8; col. 4, lines 3 to 33).

However, Takayanagi only discloses changing attribute data (position, size, and color of the images) and not changing the print control instructions which are control data for the print control device. In other words, Takayanagi does not disclose or suggest having a command file that comprises a cancel print command. In Takayanagi, attribute data and not print control commands are provided. Furthermore, in Takayanagi, there is no disclosure or suggestion that when attribute data is added, the printing is stopped. In Takayanagi, when attribute data is added, the image is updated with this attribute data. In short, Takayanagi does not disclose or suggest reading a command file (not attribute data) when it is detected that the command file

specified by the spool file has been updated and stopping output of the print data if the cancel command is added in the command file.

Hori is only cited for its disclosure of the print cancellation command and as such fails to cure the deficient disclosure of Takayanagi (*see* page 6 of the Office Action). That is, Hori's disclosure of the external device issuing a print cancellation command when printing should be canceled does not disclose or suggest reading a command file when the computer detects that the command file specified by the spool file has been updated and stopping output of the print data if the cancel command is added in the command file.

For at least these exemplary reasons, claims 21-23 are patentable over Takayanagi and Hori, taken alone or in any conceivable combination. Accordingly, Applicant respectfully submits that new claims 21-23 are patentable over the prior art of record.

IV. New Claims

In order to provide more varied protection, Applicant adds claims 21-23, which are clearly patentable over the prior art of record as discussed in § III, above.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 09/826,308
Attorney Docket No.: Q63977

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Nataliya Dvorson
Registration No. 56,616

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 28, 2006

Attorney Docket No.: Q63977